



Allegations

1. Falemao Tosi violated AS 15.13.100 by making campaign expenditures prior to filing a letter of intent or declaration of candidacy. These included creating a campaign page on Facebook titled "Vote Mao Tosi" on November 5, 2013, creating a campaign website www.votemaotosi.com February 5, 2014, and communicated on his personal Facebook page "Ma'o Tosi" that he was running for political office prior to filing his declaration of candidacy on February 7, 2014. In order to establish a website, Mr. Tosi would have had to pay for his domain name and purchase an ongoing service. Unless Mr. Tosi designed and built his website personally it appears that he paid for or incurred an obligation to pay a website graphics designer.
2. Falemao Tosi violated AS 15.13.100 by soliciting contributions prior to filing a letter of intent or declaration of candidacy. He made solicited contributions by placing prominent "contribute" links on his campaign Facebook page and website that linked to a "Paypal" service to accept contributions on his behalf. It is reasonable to assume that Mr. Tosi accepted contributions in this manner during the period of time from the start of his campaign activities on November 5, 2013 until his filing of a Declaration of Candidacy on February 7, 2014. Mr. Tosi would have had to pay or incur an obligation to pay the commercial company Paypal.
3. Falemao Tosi violated AS 15.13 by receiving prohibited corporate contributions from Big Tosi Management LLC. These prohibited in-kind contributions include, the use of office space, a phone line, and the use of Northway Mall facilities. The campaign's contact phone number listed on Mr. Tosi's Public Official Financial Disclosure and Exempt Campaign Registration is the phone number for Big Tosi Management LLC. Mr. Tosi's campaign has also publicly stated that you can purchase and order campaign shirts at the Big Tosi Management office in the Northway Mall Monday to Friday 9 to 5. Mr. Tosi held a campaign event Saturday February, 15 2014 for two hours, not including setup and cleanup time, at an empty store in the Northway Mall a property managed by Big Tosi Management. Mr. Tosi is receiving prohibited campaign contributions from Big Tosi Management for the office space he is conducting his campaign out of, the event space he is using, and the resources he is using including but not limited to his phone line.
4. Falemao Tosi received prohibited corporate contribution from Big Tosi Management LLC for providing staff time Monday through Friday, 9am to 5pm, to receive contributions.
5. Falemao Tosi violated AS 15.13 by receiving prohibited corporate contributions from Mao Tosi's Alaska Pride, a registered non-profit corporation for the use of a PO Box. The campaign contact mailing address listed on Mr. Tosi's exempt status Campaign Registration, Public Official Financial Disclosure, and Declaration of Candidacy is the same PO Box purchased and used by Mao Tosi's Alaska Pride.
6. Falemao Tosi violated AS 15.13 by receiving prohibited corporate contributions from Security National Properties. Security National Properties is the owner of the Northway Mall. The campaign's contact phone number listed on Mr. Tosi's Public Official Financial Disclosure and Exempt Campaign Registration is the phone number for the Northway Mall's management office. Mr. Tosi's campaign has also publicly stated that you can purchase and order campaign shirts at the Management office in the Northway Mall Monday to Friday 9 to 5. Mr. Tosi held a campaign event Saturday February, 15 2014 for two hours, not including setup and cleanup

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time, at an empty store in the Northway Mall. Mr. Tosi is receiving prohibited campaign contributions from Security National Properties for the office space he is conducting his campaign out of, the event space he is using, and the resources he is using including but not limited to his phone line.

7. Falemao Tosi violated AS 15.13 by receiving prohibited corporate contributions from Security National Properties and Big Tosi Management LLC for displaying campaign advertising signage at the Northway Mall. This location normally charges a fee for displaying advertisements on its property, and thus cannot provide this service for free to Mr. Tosi.
8. Falemao Tosi violated AS 15.13 by receiving prohibited contributions from Saafi Design and Graphics, a non-sole-proprietor business. Saafi Design and Graphics promoted Mr. Tosi's campaign on their Facebook page on February 13, 2014, displayed campaign signage in their store window, and created and produced campaign t-shirts for Mr. Tosi. If Mr. Tosi's campaign did not pay fair market value for the designs and apparel that would be a prohibited donation to his campaign.
9. Falemao Tosi violated AS 15.13 and AAC 50.250 for having Big Tosi Management employee Sentiera Stricklin solicit donations, while she is not listed as a treasurer or deputy treasurer. Ms. Stricklin posted on facebook on February 15, 2014 that she would accept contributions of \$25 in exchange for Mao Tosi t-shirts.
10. Falemao Tosi violated AS 39.50 when he failed to disclose that he is the board President and Executive Director of Mao Tosi's Alaska Pride on his Public Official Financial Disclosure.
11. Falemao Tosi violated AS 39.50 when he failed to disclose the income from the State of Alaska in the form of the Permanent Fund Dividend for his wife and 5 dependents, which would be a total income from the State of Alaska of \$6300.
12. Falemao Tosi violated AS 39.50 by providing inaccurate personal income from Big Tosi Management LLC on his Public Official Financial Disclosure. On his POFD Mr. Tosi lists his income from Big Tosi Management, for which he is 100% shareholder, as \$50,000 - \$100,000 but lists that the client Security National Properties paid Big Tosi Management \$200,000 - \$500,000 and Napa Auto \$5,000 - \$10,000. The income from the clients well exceeds the \$100,000 listed as income.
13. Falemao Tosi violated AS 15.13 and AAC 50.306 when he did not properly identify political communications. Mr. Tosi printed and distributed an unknown number of bumper stickers, fliers directing people to his social media, and t-shirts without the required "paid for by..." disclaimer. Mr. Tosi did not include the required "paid for by..." disclaimer on his campaign's online Twitter page or Instagram page.
14. Falemao Tosi violated AS 15.13 and AAC 50.306 when he did not comply fully with the requirement to identify political communications. Mr. Tosi made campaign communications in the form posters, his campaign website, and his campaign Facebook page that have an

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incomplete "paid for by..." disclaimer. Mr. Tosi listed his campaign committee name, but not its address, city, or zip code as required on these communications.

15. Falemao Tosi violated AS 15.13 and AAC 50.286 when he filed a Candidate Exemption that he is not qualified for. Based on the demonstrated campaign expenditures including but not limited to websites, graphic design, posters, bumper stickers, print materials, t-shirts, office space, office equipment and resources, event space, and staff time that are in excess of \$5000, or he incurred obligations to pay over \$5000 including paying fair market value for prohibited contributions.

Summary of Complaint

Alaska's campaign disclosure and public official financial disclosure laws have been in existence for many years and are frequently reported on by local media and news sources. It is reasonable to believe that anyone who is considering becoming a candidate would be aware of the need to inform oneself of the legal requirements and make every effort to follow the law. Instead, Mr. Tosi has violated Alaska's campaign disclosure laws with nearly every campaign activity and communication that his campaign has undertaken.

Early Campaigning

AS 15.13.100 states, "a political campaign expenditure may not be made or incurred by a person in an election or by a person or group with the person's knowledge and on the person's behalf before the date upon which the person files for nomination for the office which the person seeks." *AAC 50.274(a)* states, "An individual intending to campaign for office shall file for nomination for the office as required under AS 15.13.100 either by submitting a letter of intent to the commission, or by filing a declaration of candidacy."

The establishment of the "Vote Mao Tosi" Facebook page in November of 2013 clearly indicates that Mr. Tosi was running for office at least three months prior to filing a Declaration of Candidacy, and an unknown number of at least two days for design and launch of a website prior to filing. Mr. Tosi may have intended to minimize the wide spread public knowledge of his candidacy. Hence the aforementioned violations may have been made knowingly. The full extent of the illegal early campaign activities can only be learned by fully investigating Mr. Tosi's campaign finances and other records.

Mr. Tosi may claim that the establishment of a Facebook page was only an attempt to "test the waters" before making a final decision to become a candidate. However, Alaska's campaign disclosure laws specify that only expenditures for polling or candidate travel are allowable before filing a Letter of Intent or a Declaration of Candidacy.

In the Staff Report for 11-16-CD APOC v. David Scott it reads, "A fundamental assumption however, is that people who campaign for office tell the State of Alaska they will be a candidate before beginning their campaign. In order to become a candidate an individual must file a declaration of candidacy with the lieutenant governor(usually through Division of Elections), file a comparable document with the municipal clerk, or submit a letter of intent with the commission. Without this formal application for nomination or filing of intent, a person has no reporting duty to APOC and thus

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does not have to account for the extent or sources of money received. The only statute or regulation governing the behavior of individuals who have not filed or registered is the AS 15.13.100 prohibition on making campaign related expenditures before filing for nomination for office. The statutes are intended to provide transparency to the financial aspects of a candidate's campaign for office and increase public confidence. A person could circumvent this by simply not filing the required paperwork prior to announcing his or her candidacy and begin to making expenditures to get elected. Such actions are clearly against the law."

Illegal Contributions

Mr. Tosi has repeatedly received prohibited campaign contributions from business and corporate sources. Big Tosi Management and Security National Properties are both LLC's. LLC's are prohibited from giving contributions to candidates, even non-monetary contributions. The use of office space, staff, phone lines, and resources that are owned by an LLC is a clear violation if Mr. Tosi did not pay full market value for those services.

The Commission's past precedents clearly demonstrate even incidental use of corporate resources would be in violation of campaign finance law, for example *13-12-CD Lee DeSpain v. John Eberhart*, and *AO 05-06-CD*. The full extent of Falemao Tosi's prohibited contributions can probably only be determined through a thorough investigation of all activities that took place at the Big Tosi Management LLC's office, records from Security National Properties, and a full accounting of Mr. Tosi's campaign income and expenditures.

Failure to Identify Communications

Mr. Tosi has failed to properly identify political communication on any of his campaign's communications. One of the primary functions of campaign disclosure laws is to create transparency and show the public who is paying to influence elections. Mr. Tosi's disregard of this requirement is offensive to the public trust, and exactly the sort of behavior campaign disclosure laws are in place to prevent.

Not Entitled to an Exemption

In order to be eligible to file an exemption from filing campaign disclosure reports, a candidate must intend to neither raise nor spend over \$5,000 over the course of the campaign, including in-kind contributions. It is clear that Mr. Tosi's campaign has already either received over \$5,000 in contributions or incurred obligations to pay over \$5,000 in expenses. The office space, event space, resources, equipment, and the use of LLC staff from 9am to 5pm five days a week would quickly total over \$5000 in expenditures, so either Mr. Tosi has received prohibited contributions in excess of \$5000 or he has incurred an obligation to pay for those services. In either case a thorough review and accounting of Mr. Tosi's campaign would show that he is not eligible for exempt status, and worse might be using the exempt status to hide prohibited contributions.

Expedited Complaint

Expedited hearing is requested, because given the large amount of illegal contributions and general disregard for the law the election could be materially affected if these violations are not stopped immediately. These are not simple technical violations but are systemic violations that permeate every aspect of Mr. Tosi's campaign, and the illegal contributions of office space, staff time, a phone line, a

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PO Box, professional printing services, and use of the Northway Mall give Mr. Tosi a significant advantage over other candidates.

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Supporting Documents

1. Falemao Tosi's Declaration of Candidacy
2. Falemao Tosi's Public Official Financial Disclosure, 2 pages
3. Falemao Tosi's Municipal Exemption Form
4. Vote Mao Tosi Facebook Page with contribute link
5. votemaotosi.com with contribute link
6. Vote Mao Tosi Facebook page created on 11/05/2013
7. "who is" search for votemaotosi.com showing creation date of 2/05/2014
8. Facebook post advertising campaign event at Northway Mall
9. Facebook post campaigning prior to filing Declaration of Candidacy
10. Twitter page with no campaign communication disclaimer
11. Facebook post where someone who is not a campaign treasurer is soliciting donations in exchange for t-shirts.
12. Facebook post from Saafi Design and Graphics campaigning for Falemao Tosi
13. Votemaotosi twitter page without a campaign communications disclaimer
14. Mao Tosi AK PRIDE Facebook page showing the non-profit corporation's PO Box
15. Facebook Post showing t-shirt without a campaign communications disclaimer and stating that they were from Saafi Design and Graphics
16. Articles of incorporation for Mao Tosi's Alaska Pride showing Falemao Tosi as a board member, 4 pages
17. Photo of Saafi Design and Graphics store window with Mao Tosi campaign poster
18. Photo of Mao Tosi campaign event taking place at the Northway Mall
19. Mao Tosi campaign poster with incomplete campaign communications disclaimer
20. T-shirt order form stating that you can pick up the campaign shirt from the Northway Mall management office
21. Mao Tosi campaign bumper sticker without a campaign communications disclaimer
22. Mao Tosi social media flier without a campaign communications disclaimer